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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,707	02/12/2001	Robin Ross Cooper	VMATRIX.002A	1841

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EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,707

Applicant(s)

COOPER ET AL.

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. This is in response to an amendment file on July 20th, 2005. In the amendment, claims 1, 5 and 7 have been amended, no claim has been canceled, and claims 20 has been added. Claims 1-20 remain pending in the letter.

Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gallacher et al (U.S. Patent No. 5,661,283) in view of Gupta et al (U.S. Patent No 6,816,966).
5. As per claims 1 and 5, Gallacher et al teach a method for providing a secure communication network to provide video consultations between a client and a consultant comprising providing to the client via the secure communication network at least one web

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module, providing to the client a liability limitation module through the at least one web module, wherein a liability limiting agreement is provided to the client by the liability limitation module, receiving a message from the client via the communication network indicating consent to the agreement and recording the client's assent to the agreement; providing to the client via the communication network a list of consultants from a consultant database module, receiving a message from the client via the communication network indicating a choice of consultants, receiving a message from the choice of consultants consenting to see the client; providing to the client and the choice of consultants a real-time selected video consultation environment within which a conference occurs (*see figs 2, 3, 8 and 10 and the accompany text*). Gallacher et al fail to teach an inventive concept of providing one or more encryption key to the client and having encryption which utilizes the one or more encryption keys. However, Gupta et al teach an inventive concept of providing one or more encryption key to the client and having encryption which utilizes the one or more encryption keys (*see summary of the invention, column 1 line 65-3 line 5*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Gallacher et al to include Gupta et al's an inventive concept of providing one or more encryption key to the client and having encryption which utilizes the one or more encryption keys because this would have provided a security to data flow since in the video multicast/conference session since the potential for disruption by an interloper is significant thereby reasonably limit the damage caused by excluding that unauthorized user or group of users from the video multicast/conference.

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3. As per claims 2, Gallacher et al teach a method further comprising issuing a digital certificate to the client after the client has logged on to the communication network (*see figs 2, 3, 8 and 10 and the accompany text*).

4. As per claims 3, Gallacher et al teach a method further comprising authenticating the digital certificate of the client before allowing the client access to the consulting environment (*see figs 2, 3, 8 and 10 and the accompany text*).

5. As per claims 4, Gallacher et al teach a method further comprising calculating a fee based on service rendered within the secure consultation environment (*see figs 2, 3, 8 and 10 and the accompany text*).

6. As per claims 6, Gallacher et al teach a method wherein the at least one web page is accessed by a web-enabled device selected from the group consisting of an individual computer, a mobile computer, a personal digital assistant, a hand-held computer, a web-enabled television, a web-enabled interactive kiosks, a web-enabled wireless communications device, a mobile web browsers, or a combination thereof (*see figs 2, 3, 8 and 10 and the accompany text*).

7. As per claims 7, Gallacher et al teach a system for providing a secure communication network to facilitate consultations between a client and a consultant comprising at least one web a liability limitation module configured to provide a liability limiting agreement to the client via the at least one web module and to record acceptance of the agreement by the client; a payment

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module configured to calculate a fee for services rendered to the client via the at least one web module, a consultant database module configured to provide a list of consultants to the client, from which the client selects a consultant of choice via the at least one web module; and a consultation module configured to provide a real-time secure video communication environment within which the consultant of choice and the client confer via the at least one web module (*see figs 2, 3, 8 and 10 and the accompany text*). Gallacher et al fail to teach an inventive concept of certificate module configured to provide a digital certificate having a public key and private key to the client once the client contacts the at least one web module, which utilizes the public key and private key for encryption. However, Gupta et al teach an inventive concept of certificate module configured to provide a digital certificate having a public key and private key to the client once the client contacts the at least one web module, which utilizes the public key and private key for encryption (*see summary of the invention, column 1 line 65-3 line 5*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Gallacher et al to include Gupta et al's inventive concept of certificate module configured to provide a digital certificate having a public key and private key to the client once the client contacts the at least one web module, which utilizes the public key and private key for encryption because this would have provided a security to data flow since in the video multicast/conference session since the potential for disruption by an interloper is significant thereby reasonably limit the damage caused by excluding that unauthorized user or group of users from the video multicast/conference.

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8. As per claims 8, Gallacher et al teach a system wherein the certificate module issues a digital certificate to the client after the client has logged on to the secure communication network (*see figs 2, 3, 8 and 10 and the accompany text*).

9. As per claims 9, Gallacher et al teach a system further comprising a source module configured to supply code to support the consultation module (*see figs 2, 3, 8 and 10 and the accompany text*).

10. As per claims 10, Gallacher et al teach a system further comprising an archive module configured to preserve a record of the conference between the client and the consultant (*see figs 2, 3, 8 and 10 and the accompany text*).

11. As per claims 11, Gallacher et al teach a system further comprising an electronic white board module configured to provide communication between the client and the consultant (*see figs 2, 3, 8 and 10 and the accompany text*).

12. As per claims 12, Gallacher et al teach a system further comprising an electronic note module configured to provide notes between the client and the consultant (*see figs 2, 3, 8 and 10 and the accompany text*).

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13. As per claims 13, Gallacher et al teach a system comprising an internal communication module configured to provide internal communications between parties (*see figs 2, 3, 8 and 10 and the accompany text*).

14. As per claims 14, Gallacher et al teach a system further comprising a secretarial module configured to provide secretarial services (*see figs 2, 3, 8 and 10 and the accompany text*).

15. As per claims 15, Gallacher et al teach a system further comprising an electronic mail module configured to provide electronic mail services (*see figs 2, 3, 8 and 10 and the accompany text*).

16. As per claims 16, Gallacher et al teach a system further comprising a language translation module configured to provide language translation services (*see figs 2, 3, 8 and 10 and the accompany text*).

17. As per claims 17, Gallacher et al teach a system wherein the at least one web page is accessed by a web-enabled device selected from the group consisting of an individual computer, a mobile computer, a personal digital assistant, a hand-held computer, a web-enabled television, a web-enabled interactive kiosks, a web-enabled wireless communications device, a mobile web browsers, or a combination thereof (*see figs 2, 3, 8 and 10 and the accompany text*).

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18. As per claims 18, Gallacher et al teach a method wherein the client accesses the consultation environment via a virtual private network (*see figs 2, 3, 8 and 10 and the accompany text*).

19. As per claims 19, Gallacher et al teach a method comprising scheduling a time for the client and the consultant to enter the consultation environment (*see figs 2, 3, 8 and 10 and the accompany text*).

20. As per claim 20, Gallacher et al teach a scheduling mechanism configured to display to the client the various time slots that are currently available for the consultant of choice allow the client to select available time slot inform the consultant of choice make the client has selected a specific time slot make the time slot that was selected unavailable to future clients (*see figs 2, 3, 8 and 10 and the accompany text*).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

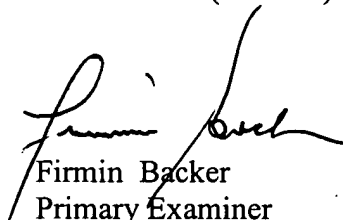
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (571) 272-6703. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Firmin Backer
Primary Examiner
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August 11, 2005